

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

2:10-CR-277-ODW

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alfred Alver Fabico Araya II

Defendant.

ORDER [OF DETENTION] [SETTING
CONDITIONS OF RELEASE] AFTER
HEARING (18 U.S.C. §3148(b):
(Allegations of Violation of Pretrial
Conditions of Release)

A.

On motion of the Government involving an alleged violation of conditions of
pretrial release, and a warrant for arrest,

B.

The court finds there is:

(1)

(A) () Probable cause to believe that the defendant has committed a
Federal, State, or local crime while on release and/or

(B) (X) Clear and convincing evidence that the defendant has violated any
other condition of release; and

1 (2) (A) ~~()~~ Based on the factors set forth in 18 U.S.C. §3142(g), there is no
2 condition or combination of conditions of release that will assure
3 that the defendant will not flee or pose a danger to the safety or
4 any other person or the community; or

5 (B) () The defendant is unlikely to abide by any condition or
6 combination of conditions of release.

7 (3) () There is probable cause to believe that, while on release, the
8 defendant committed a Federal, State, or local felony, and the
9 presumption that no condition or combination of conditions will
10 assure that the person will not pose a danger to the safety of any
11 other person or the community has not been rebutted.

12 OR

13 (4) () The court finds that there are conditions of release that will assure
14 that the defendant will not flee or pose a danger to the safety any
15 other person or the community, and that the defendant will abide
16 by such conditions. See separate Order setting conditions.

17 () It is further ordered that this order is stayed for 72 hours in order
18 to allow the Government to seek review from the assigned district
19 judge or criminal duty district judge as appropriate.

20 OR

21 C.

22 ~~()~~ IT IS ORDERED defendant be detained prior to trial.

23 DATED: 4/28/10

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27 SUZANNE H. SEGAL
28 UNITED STATES MAGISTRATE JUDGE